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BILL ANALYSIS

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Senate Bill 57 (Substitute S-3)
Sponsor: Senator Michael D. Bishop
Committee: Natural Resources and Environmental Affairs

Date Completed: 10-7-03

CONTENT

The bill would amend Part 115 (Solid Waste Management) of the Natural Resources and Environmental Protection Act to do the following:

- **Permit the Director of the Department of Environmental Quality (DEQ) to issue an order restricting or prohibiting the transportation or disposal of solid waste originating within or outside this State, under circumstances.**
- **Require the DEQ, at least 30 days before the Director issued such an order, to post it on the Department website and give a copy to legislative committees.**
- **Make an exception to the 30-day requirement for an emergency situation.**
- **Require an order to expire within 60 days, but allow the Director to reissue an order without posting it or giving copies to legislative committees.**
- **Require the Director to rescind an order if the threat upon which it was based no longer existed.**
- **Allow a person to appeal an order to the circuit court.**

Specifically, the DEQ Director could issue an order restricting or prohibiting the transportation or disposal in this State of solid waste originating within or outside of Michigan if both of the following applied:

- The Director, after consultation with appropriate officials, had determined that the transportation or disposal of the solid waste posed a threat to the public health, safety, or welfare or to the environment.
- The Director determined that the restriction or prohibition was necessary to minimize or eliminate that threat.

At least 30 days before the Director issued such an order, the DEQ would have to post the proposed order and its effective date on the Department website with information on how a member of the public could comment on the order. Also, at least 30 days before the Director issued the order, the DEQ would have to give a copy of it to the members of the Senate and House of Representatives standing committees that consider legislation pertaining to public health or the environment. Before issuing the order, the Director would have to consider comments received on it. These requirements would not apply to an order issued in an emergency situation.

In an emergency situation posing an imminent and substantial threat to public health or safety or the environment, the Director, before issuing an order, would have to give a copy of it to the legislative committees and publicize the proposed order in any manner appropriate to help ensure that interested parties were given notice of the order and its effective date.

In the case of either an emergency or nonemergency order, the DEQ would have to post the final order on its website as soon as practicable. An order would expire within 60 days after it

took effect unless the order provided for an earlier expiration date. The Director would have to rescind an order when he or she determined that the threat upon which it was based no longer existed.

The requirements for the DEQ to post an order on its website, give a notice to legislative committees, and consider public comments, would not apply to the reissuance of an order if the reissued order took effect upon the expiration of the identical order it was replacing. The DEQ, however, would have to post the reissued order on its website by the reissued order's effective date.

A person could seek judicial review of an order issued under the bill as provided in Section 631 of the Revised Judicature Act (i.e., the person could appeal to the circuit court of the county where the person resided or to the Ingham County Circuit Court).

Proposed MCL 324.11526c

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would result in an indeterminate cost to the State. After the Director issued an order restricting or prohibiting the transportation and disposal of solid waste, the Department would need to dedicate staff and resources to enforcing the order and resolving the situation. The costs would depend on the frequency, severity, and scope of the threats posed.

Fiscal Analyst: Jessica Runnels